

**CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT**

Meeting Minutes
Thursday, May 17, 2018
9:00 AM

Room #105, Courthouse Annex
Cascade County Commissioners Chambers

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Board Members: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski

Notice: These minutes are paraphrased and reflect the proceedings of the Zoning Board of Adjustment. These minutes are considered a draft until the Zoning Board of Adjustment approves them.

Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Records Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). Timestamps are indicated in red, within each agenda item below, and will direct you to the precise location should you wish to review the audio segment. These minutes were officially approved on March 27, 2018.

STAFF ATTENDEES: Alex Dachs, Sandor Hopkins, Anna Weber, Fernando Terrones, and Natalia Wilson

PUBLIC ATTENDEES: Douglas Stipeid, Guy "Bud" Robbins, Rose Waldenberg, Tracy Rosenbum, Michael Vetere, Frank Vetere, Tammy Custer, Sandy Dickman, Brad Davey and Larry Larocque

1. **CALL TO ORDER:** Chairman Bill Austin called the meeting to order at 9:01am.

2. **ROLL CALL**

BOARD MEMBERS PRESENT: Bill Austin, Charles Kuether, Leonard Reed, Rob Skawinski

BOARD MEMBERS ABSENT: none

3. **APPROVAL OF MINUTES: April 12, 2018**

Charles Kuether said he had a question for Alex if you look on pg. 32 my name appears 3 times it is kind of gibberish is that ok because it is paraphrased

Alex said it is ok

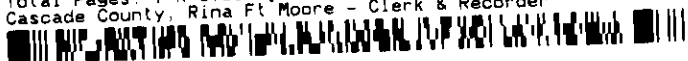
Charles Kuether motioned to approve the minutes.

Leonard Red seconded the motion.

All in Favor, Motion passes

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Cascade County, Rina Ft Moore - Clerk & Recorder



4. NEW BUSINESS:

A. Public Hearing: Northwestern Energy – Utility installation, Minor – SUP

1. Staff Report by Sandor Hopkins

9:03

Board Questions:

9:18

Bill Austin stated if I'm reading this right they are building a building to put this gate for apparently natural gas line in there

Sandor Hopkins replied yes, it will be a facility to regulate the distribution of the natural gas so there will be a small structure on the site and then there will be some piping that will come above ground that it will tap into the natural gas line that is already running through the area

Bill Austin responded I kind of had that picture but I just wanted to make sure. Any more questions for Sandor? Is the applicant here? No, I'll open this hearing to the public.

Public Hearing opened at 9:20 am

Proponents: none

Opponents: none

Public Hearing closed at 9:21 am

Discussion and Decision

Charles Kuether made a motion to approve a special use permit

Leonard Reed seconded the motion.

All in Favor, Motion passes 4-0.

B. Public Hearing: Prairie Market-General Sales-SUP

Anna Weber presented the staff report.

9:22

Board Questions/Comments

9:42

Bill Austin asked if the building is already up (Anna Yes) ok just making sure I'm at the right place.

Applicant: Sandra Dickman 130 Gibson Flats Rd I guess I didn't realize what all is going on in this building, my husband recently passed away so I'm kind of stuck in the middle of all this trying to get through it so, I don't really have a lot to say about it but there is a gentleman here that is part of Prairie Market and he can fill you in on more than I can.

Bill asked would you like to address the board?

Brad Davy from 65 Serenity DR I used to be vice chairman of your board for 7 years. I worked with Erwin he was a really good guy, donated a tremendous amount of food to the

food bank. He sells wholesale food very hard worker he employs 3 or 4 people, probably would expand that to more. He fits right in to that area I could not say anything negative about this project. I worked in a lot of developments here in cascade county so I'm very aware of how things affect other things and I can't see a negative in the whole project Dave Dickman was in the process of doing this and then he died so his wife is trying to finish this project, doing a great job, so I would really appreciate it if you could approve this project. I have a letter here from someone in the community that is in favor of this project it says Erwin has the best meat I ever had in my life and it's a 10 I strongly recommend it.

Bill Austin said thank you and I remember you on the board

Brad said and thank you for your volunteer work I know you guys are all volunteers

Charles Kuether asked about a business that has the same name at 4800 10th Ave South

Brad responded yes, he had to move out of that building until this was approved so, he just moved it temporarily until this was approved.

Charles K responded one was wholesale and one was retail or how was that

Brad said no, he had to stay in business he has employees so he had to move up there temporarily until this was approved anything else?

Bill said thank you **Brad**

Larry Larocque 130 Gibson Flats Rd stated Hi I work for Sandy and Dave they have a good business model if he can get launched its good for the colonies and the public there has been an interest in both sides, the colonies are very interested to see what they can do with Erwin we need to support an entrepreneur and I think if he can do it is a great thing I think he'd be great once he gets going

Bill Austin said thank you.

9:48 am

Bill Austin asked for Proponents.

Public Hearing opened at 9:48 am

Proponents: none

Bill Austin called for opponents: 1st Call, 2nd Call

Doug Stipeid 2401 26th St South not necessarily opposed I'm here two-fold as a president of the HOA and also as a resident on the corner of 24 Ave S and 26th I have a concern as a resident and also as the president of the HOA concerned is about increased traffic Gibson Flats Rd leaves a lot to be desired, we are talking about having more commercial vehicles up and down that roadway. I know that one of the problems when they were trying to subdivide this was sightlines and how they were going to provide for traffic on the residential area, second concern is about people coming in and out of this area wholesale wise, they will discover that there is a better road to get here that private road that is privately maintained by the HOA this whole road is really nice but privately maintained, we spend a lot of money making sure that its properly maintained and increase traffic because of this wholesale won't help. We as a subdivision deal with a constant flow of people that flow through there even though they are not supposed to be there because they are not paying for road service. The other question that I have is that we did not get the whole report you read here but, I did pick up on a couple of things with what Anna was saying the applicant is saying wholesale but then retail, and agricultural products, then Brad mention

he is selling pretty good meat, what is the applicant actually doing here? I would say I'm opposed to it until we get those things resolved traffic sucks and it looks that it would make our situation worse, thank you.

Charles Kuether asked can I ask you about your road is it a private road? is it a dedicated road?

Doug responded it is a privately maintained public road, so that residents that use it pay for all maintenance of this road from 400 feet into that project. In the last year the state and the county put a bunch of money in to take perpetual maintenance of the first 400 feet of that road so, from that point on, it's all maintained by the members of the subdivision **Bill** stated but it is a public road (Doug said Yes) have you ever consider turning over to the county

Doug said the county does not want it, I think there was a boondoggle or whatever you want to call it to get the county to take care of the first 400 feet I think there was some fancy dancing between the city and the county to get Mr. Clifton to finally take care of the first 400 feet of the road. Chip sealing ground, pot hole fixing, it's all on our dime so it gets a little aggravating when people use it without contributing to that.

Bill said thank you

9:52 am

Rose Waldenberg 2120 6th Ave N I would like to know in more detail how many people are coming to visit and what they are selling, and you mention some place they are open for business right now I would like to possibly go in there and see.

Charles Kuether said actually (had flyer of the business) I want this back because it's my wife's they are open on Friday, Saturday and Sunday at 4800 10th Ave S and this is a list of what they are currently selling you are welcome to look at it but like I said if I go home without it I can't go home. **Rose** said so those are the two things I would like to have before we can decide whether we are proponent or opponents.

Rob Skawinski asked can you give us a detail description of it?

Brad Davey said its frozen food, whole-sale meats in boxes, and it has beef, chicken, some vegetables. 25 to 30 people a day and during the week some of the colonies come in it's just frozen food

Leonard Reed asked can you point out where that building is on the map

Brad points out with the planners help and asked if that's the road that goes to the hospital?

Rose helps point out road that they are talking about

Everyone joins in the conversation about the road

Bill stated he would like to have order please

Brad said the people I know just come down the hospital then to Gibson Rd but I don't know they might be using that road

Bill stated well people do like to find the best place to get somewhere that's pretty normal but I believe we can adjust that

Charles Kuether asked what days are you going to be open are retail hours going to perpetually be Friday, Saturday and Sunday and wholesale rest of the week

Brad said well he doesn't get that many during the rest of the week like I said if the colony comes in from Shelby or Townsen or something like that he will take care of them while they are in town but it's generally Friday, Saturday and Sunday.

Charles Kuether asked is it open for somebody to come by
Brad said generally by appointment
Charles said so except for Friday Saturday Sunday is by appointment only
Brad said basically yes from what I understand any other questions.
Bill said last call for opponents
Public Hearing closed at 10:01 am

Discussion and Decision

Bill said I know the easiest way to get there is if you go down 26th street and hang a left on Gibson Flat Rd so if they took your road that would be out of the way is that correct you'd go a longer distance

Doug said no it's actually shorter it's probably going to be the same distance it's basically a square

Len said that I would think that that existing road that is the same distance that has been there for a thousand years would be the one they would use I did not know your road even existed.

Rob Skawinski said I go out there all the time and do not use your road either. Asked is the road private (Doug, no it's a public road privately maintained)

Charles Kuether said I live on a public road that is privately maintained that everybody and their brother can drive though

Bill mention it can be controlled

Charles Kuether mention putting a speed bump

Doug stated that at some point they wanted to gate the roads...etc.

Bill mention we have closed the public meeting. I do have a question for the owner when did you build the building

Sandy said they started last fall

Bill stated so it looks fairly new to me. I want to go take a look at your road I want to see this nice road

Len said yeah, I never seen your road

Doug said we're concerned about the commercial traffic

Bill said I understand your problem but that's no grounds to deny it we have opened to the public closed to public and the board has discussed it I would like to entertain a motion of some sort I don't know if we can add more conditions (asking Fernando)

Fernando said no, it's a public road

Bill mentioned personally, I always try to follow how they tell me to go there I understand the situation but I personally don't think that's grounds for denial

Charles stated the best I can come up with is an additional condition that the drivers be instructed to avoid this road when they give directions

Charles Kuether motion to approve with all conditions (advertise with current directions)

Leonard Reed seconded the motion.

All in Favor, Motion passes 4-0

10:11am

5. OLD BUSINESS: None

**6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE ZONING BOARD OF
ADJUSTMENTS JURISDICTION:**

None

8. ADJOURNMENT:

Leonard Reed motioned to adjourn.

Rob Skawinski seconded motion.

All in Favor, Motion passed. Meeting adjourned at 10:13 am

William C. Austin
Chairman Bill Austin or VC Charles Kuether

7-11-18
Date

Alex Dachs
Alex Dachs

7-11-18
Date